

REMARKS

The Examiner has rejected the claims under 35 U.S.C 112, first paragraph, as failing to comply with the written description requirement. The Examiner states that there is no support for the limitation found in the claims "wherein the pharmaceutical composition is administered at a dosage of about 1mg/kg". The Applicants have amended the claims and added new claims to cover particular narrow ranges of dosages of (R,R'),(R,S')-amphetamine of between 0.7 mg/kg to 1.3 mg/kg, between 0.8 mg/kg to 1.2 mg/kg and between 0.9 mg/kg and 1.1 mg/kg. These dosages exhibit the unexpected results of increased locomotor activity associated with less stereotypy when the (R,R'),(R,S')-amphetamine diastereomer is administered.

The Examiner focuses on the text of Example 4 to show that only three distinct dosages are explicitly discussed and used to generate experimental data. However, the Figures associated with that Example, and in particular Figures 3C and Figures 7C, implicitly support that the Applicants envisioned using (R,R'),(R,S')-amphetamine at dosages of about 1mg/kg rather than only at a dosage of 1mg/kg. Figures 3C and Figures 7C show dose response curves for (R,R'),(R,S')-amphetamine showing changes in locomotor activity (Figure 3C) and stereotypy (Figure 7C). These Figures show implicit support that dosages of between 0.7 mg/kg to 1.3 mg/kg, between 0.8 mg/kg to 1.2 mg/kg and between 0.9 mg/kg and 1.1 mg/kg would provide the unexpected results of the invention.

Furthermore, the Examiner states that use of a 100% DMSO vehicle does not provide adequate description to support a specific amount of the claimed amphetamine compound in any pharmaceutically acceptable carrier, diluent, excipient or additive.

Amended claims 1 and 30 now only list a pharmaceutically acceptable diluent. The specification provides support for the language "a pharmaceutically acceptable diluent". Page 14, line 9 through 14, describes diluents as inert materials that increase the volume of a therapeutic and list a selection of diluents useful in the invention.

Applicants believe that the foregoing amendments and remarks place the claims in condition for allowance. No new matter has been introduced by these amendments. No fees are believed due for an extension of time due to the filing of this paper.

Any questions about this response should be addressed to Karen Guerrero. The telephone number is 610-933-2490.

Sincerely,
/Karen Guerrero/

Karen Guerrero
Registration No. 37,071